

## ARCHITECTURAL EXAMINING BOARD[193B]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 544A.29, the Architectural Examining Board hereby gives Notice of Intended Action to amend Chapter 2, “Registration,” Iowa Administrative Code.

The rules in Chapter 2 describe the process for registration and renewal of certificates of registration for registrants to be authorized to practice architecture in Iowa. These amendments will update registration by examination, change the biennial renewal requirement to an annual requirement, remove business entity registration, and adjust the fees accordingly.

Any interested person may make written suggestions or comments on the proposed amendments on or before July 1, 2014. Such written materials should be directed to Lori SchraderBachar, Iowa Architectural Examining Board, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa 50309. E-mail may be sent to [lori.schraderbachar@iowa.gov](mailto:lori.schraderbachar@iowa.gov). Persons who wish to convey their views orally should contact Lori SchraderBachar, Iowa Architectural Examining Board, at (515)725-9030 or at the Board offices, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa.

Also, there will be a public hearing on July 1, 2014, at 9 a.m. at the Board offices, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Architectural Examining Board and advise of specific needs.

These proposed amendments are subject to waiver or variance pursuant to 193—Chapter 5.

These proposed amendments were approved by the Board on May 13, 2014.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 544A.10.

The following amendments are proposed.

ITEM 1. Amend subrule 2.3(4) as follows:

**2.3(4)** Applicants who have passed one or more but not all divisions of the ARE by January 1, 2006, shall have a rolling five-year period to pass each of the remaining divisions. A passing grade for any remaining division shall be valid for five years, after which time the division must be retaken if all remaining divisions have not been passed. ~~The rolling five-year period shall commence after January 1, 2006, on the date when the first division that has been passed is administered. Applicants who have passed no divisions of the ARE by January 1, 2006, shall be governed by the above rolling five-year requirement.~~ The rolling five-year period shall commence on the date when the first division that has been passed is administered. ~~Any division passed prior to January 1, 2006, shall no longer remain valid if all remaining divisions have not been passed by July 1, 2014.~~

~~Effective January 1, 2011, and thereafter, the Authorization to Test of any applicant shall terminate unless the applicant has passed or failed a division of the ARE within a period of five years, which includes the five-year period prior to January 1, 2011. Any applicant whose authorization is so terminated must establish a new eligibility under the then-current procedures of the board.~~

ITEM 2. Amend subrule 2.5(1) as follows:

**2.5(1) Active status.** Certificates of registration expire ~~biennially~~ annually on ~~June 30~~ December 31. In order to maintain authorization to practice in Iowa, a registrant is required to renew the certificate

of registration prior to the expiration date. A registrant who fails to renew by the expiration date is not authorized to practice architecture in Iowa until the certificate is reinstated as provided in rule 193B—2.6(544A,17A).

~~a.~~ A registrant whose last name begins with the letter A through K shall renew in even-numbered years, and a registrant whose last name begins with the letter L through Z shall renew in odd-numbered years.

~~b.~~ a. It is the policy of the board to ~~mail~~ send to each registrant a notice of the pending expiration date at the registrant's last-known address approximately one month prior to the date the certificate of registration is scheduled to expire. The notice, when provided, may be by e-mail communication or in the quarterly newsletter. Failure to receive this notice does not relieve the registrant of the responsibility to timely renew the certificate and pay the renewal fee. A registrant should contact the board office if the registrant does not receive a renewal notice prior to the date of expiration.

~~c.~~ b. Upon the board's receipt of a timely and sufficient renewal application as provided in 193—subrule 7.40(3), the board's ~~executive secretary~~ administrator shall issue a new certificate of registration reflecting the next expiration date, unless grounds exist for denial of the application. However, the board will accept an otherwise sufficient renewal application that is untimely if the board receives the application and late fee within 30 days of the date of expiration.

~~d.~~ c. If grounds exist to deny a timely and sufficient application to renew, the board shall send written notification to the applicant by restricted certified mail, return receipt requested. Grounds may exist to deny an application to renew if, for instance, the registrant failed to satisfy the continuing education as required as a condition for registration. If the basis for denial is pending disciplinary action or disciplinary investigation which is reasonably expected to culminate in disciplinary action, the board shall proceed as provided in 193—Chapter 7. If the basis for denial is not related to a pending or imminent disciplinary action, the applicant may contest the board's decision as provided in 193—subrule 7.40(1).

~~e.~~ d. When a registrant appears to be in violation of mandatory continuing education requirements, the board may, in lieu of proceeding to a contested case hearing on the denial of a renewal application as provided in rule 193—7.40(546,272C), offer a registrant the opportunity to sign a consent order. While the terms of the consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between \$50 and \$250, depending on the severity of the violation; establish deadlines for compliance; and require that the registrant complete hours equal to double the deficiency in addition to the required hours; and may impose additional educational requirements on the registrant. Any additional hours completed in compliance with the consent order cannot again be claimed at the next renewal. The board will address subsequent offenses on a case-by-case basis. A registrant is free to accept or reject the offer. If the offer of settlement is accepted, the registrant will be issued a renewed certificate of registration and will be subject to disciplinary action if the terms of the consent order are not complied with. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the applicant pursuant to 193—subrule 7.40(1).

~~f.~~ e. The board may notify a registrant whose certificate of registration has expired. The failure of the board to provide this courtesy notification or the failure of the registrant to receive the notification shall not extend the date of expiration.

~~g.~~ f. A registrant who continues to practice architecture in Iowa after the registration has expired shall be subject to disciplinary action. Such unauthorized activity may also be grounds to deny a registrant's application for reinstatement.

ITEM 3. Amend rule 193B—2.6(544A,17A) as follows:

**193B—2.6(544A,17A) Reinstatement of lapsed certificate of registration to active status.** An individual may reinstate a lapsed certificate of registration to active status as follows:

**2.6(1)** If the individual's registration has been lapsed for up to ~~24~~ 12 months, the individual may reinstate the registration by selecting either Option 1 or Option 2 as follows:

*a. Option 1.* The individual shall:

(1) Pay the reinstatement fee of \$25 per month of expired registration;

- (2) Pay the current renewal fee;
- (3) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant; and
- (4) Submit documented evidence of completion of 12 ~~contact hours (8 hours in public protection subjects) of continuing education requirements~~ continuing education hours for each year or portion of a year of expired registration in compliance with requirements in 193B—Chapter 3 in addition to the ~~24~~ 12 hours (~~16 hours in public protection subjects~~) which should have been reported on the ~~June 30~~ December 31 renewal date on which the applicant failed to renew. The continuing education hours used for reinstatement may not be used again at the next renewal. Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

*b. Option 2.* The individual shall:

- (1) File a new application for registration as prescribed in rules 193B—2.2(544A,17A) and 193B—2.3(544A,17A), particularly subrules 2.2(1) and 2.3(3); and
- (2) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant.

**2.6(2)** If an individual's registration has been lapsed for more than 24 ~~12~~ months, the individual may reinstate the registration by selecting either Option 1 or Option 2 as follows:

*a. Option 1.* The individual shall:

- (1) Pay the reinstatement fee of \$25 per month of expired registration, up to a maximum of ~~\$750~~ \$300;
- (2) Pay the current renewal fee;
- (3) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant; and
- (4) Submit documented evidence of completion of 12 ~~contact hours (8 hours in public protection subjects) of continuing education requirements~~ continuing education hours for each year or portion of a year of expired registration in compliance with requirements in 193B—Chapter 3 up to a maximum of ~~48 contact hours (32 hours in public protection subjects)~~ 24 continuing education hours. The continuing education hours used for reinstatement may not be used again at the next renewal. Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

*b. Option 2.* The individual shall:

- (1) File a new application for registration as prescribed in rules 193B—2.2(544A,17A) and 193B—2.3(544A,17A), particularly subrules 2.2(1) and 2.3(3); and
- (2) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant.

ITEM 4. Amend rule 193B—2.7(544A,17A) as follows:

**193B—2.7(544A,17A) Reinstatement of lapsed certificate of registration to inactive status.** An individual may reinstate a lapsed certificate of registration to inactive status as follows:

1. Pay the reinstatement fee of \$25 per month of expired registration up to a maximum of ~~\$750~~ \$300;

2. Pay the current renewal fee;
3. Provide a written statement in which the applicant affirms that the applicant has not engaged in any of the practices in Iowa that are listed in Iowa Code section 544A.16 during the period of lapsed registration.

ITEM 5. Amend subrule 2.8(1) as follows:

**2.8(1)** An individual may reinstate an inactive registration or retired registration to active registration as follows:

*a.* Pay the current active registration fee. If reinstating to active status at a date that is less than ~~12~~ six months from the next ~~biennial~~ annual renewal date, one-half of the current active registration fee shall be paid.

*b.* Submit documented evidence of completion of ~~24 contact hours (16 contact hours in public protection subjects) of continuing education~~ 12 continuing education hours in compliance with requirements in 193B—Chapter 3. The hours used to reinstate to active status cannot again be used to renew.

~~(1) At the first biennial renewal date of July 1 that is less than 12 months from the date of the filing of the application to restore the certificate of registration to active status, the person shall not be required to report continuing education.~~

~~(2) At the first biennial renewal date of July 1 which is more than 12 months, but less than 24 months, from the date of the filing of the application to restore the certificate of registration to active status, the person shall report 12 hours of previously unreported continuing education.~~

ITEM 6. Rescind and reserve rule **193B—2.10(544A)**.

ITEM 7. Amend rule 193B—2.11(544A,17A) as follows:

**193B—2.11(544A,17A) Fee schedule.** Under the authority provided in Iowa Code chapter 544A, the following fees are hereby adopted:

Examination fees:

Fees for examination subjects shall be paid directly to the testing service selected by NCARB

Initial registration fee	\$ 50
(plus \$5 per month until renewal)	
Reciprocal application and registration fee	<del>\$200</del> <u>\$100</u>
<del>Biennial</del> <u>Annual</u> renewal fee	<del>\$200</del> <u>\$100</u>
<del>Biennial</del> <u>Annual</u> renewal fee (inactive)	<del>\$100</del> <u>\$50</u>
<del>Biennial renewal fee (retired)</del> <u>Retired status</u>	<del>\$ 50</del> <u>None</u>
Reinstatement of lapsed individual registration (per month)	\$ 25
Duplicate wall certificate fee	\$ 50
Late renewal fee	\$ 25
(for renewals postmarked on or after <del>July</del> <u>January</u> 1 and before <del>July 31</del> <u>January 30</u> )	

ITEM 8. Adopt the following new rule 193B—2.12(544A,272C):

**193B—2.12(544A,272C) Transition provisions.**

**2.12(1)** The registration provisions of this chapter and the continuing education provisions of 193B—Chapter 3 shall first apply to those registrants whose registrations expire June 30, 2015, and shall thereafter apply to each renewal cycle. The board is transitioning from a biennial renewal cycle to an annual renewal cycle and from a June 30 expiration date to a December 31 expiration date. The board is taking this action as part of a broader national effort by architectural licensing authorities to sustain the same renewal cycles to facilitate mobility and cross-jurisdiction practice.

**2.12(2)** The last biennial cycle starts July 1, 2014, and ends June 30, 2016, for registrants whose last names begin with A-K. In order to convert all registrants to an annual renewal cycle, the following provisions shall apply:

*a.* Registrants whose last names begin with L-Z and whose registrations will expire June 30, 2015, shall renew for an 18-month period expiring December 31, 2016. The registration renewal fee shall be \$150 for this 18-month period. When these registrants renew for the January 1, 2017, annual renewal cycle, they shall report as a condition for renewal a total of 18 continuing education hours (CEHs) taken between July 1, 2015, and December 31, 2016. Thereafter, the provisions of this chapter shall fully apply.

*b.* Registrants whose last names begin with A-K and whose registrations will expire June 30, 2016, shall renew for a 6-month period expiring December 31, 2016. The registration renewal fee shall be \$50 for this 6-month period. When these registrants renew for the January 1, 2017, annual renewal cycle, they shall report as a condition for renewal a total of 6 CEHs taken between July 1, 2016, and December 31, 2016. Thereafter, the provisions of this chapter shall fully apply.